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23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA
25 SAN FRANCISCO DIVISION

26 SONOS, INC.,

27 Plaintiff,

28 v.

GOOGLE LLC,

Defendant.

Case No. 3:20-cv-06754-WHA

Related to Case No. 3:21-cv-07559-WHA

**GOOGLE LLC'S RESPONSE TO
REQUEST FOR SUPPLEMENTAL
BRIEFING (DKT. 626)**

Google LLC (“Google”) files this brief pursuant to the Court’s Request for Supplemental Briefing regarding “the extent to which the asserted claims of the ’966 patent should stand or fall with the asserted claim of the ’885 patent for all issues that remain to be tried, as well as the possibility of a stipulation to that effect that might conserve resources.” Dkt. 626. The issues that remain to be tried are:

- 1) Invalidity of claim 1 of the ’885 patent and claims 1, 2, 4, 6, and 8 of the ’966 patent;
- 2) Infringement of claims 1, 2, 4, 6, and 8 of the ’966 patent by the original accused products;
- 3) Infringement of claim 1 of the ’885 patent and claims 1, 2, 4, 6, and 8 of the ’966 patent by the redesigned products;
- 4) Damages, if any, associated with claim 1 of the ’885 patent and claims 1, 2, 4, 6, and 8 of the ’966 patent; and
- 5) Willfulness, if any, associated with claims 1, 2, 4, 6, and 8 of the ’966 patent.¹

Google understands the Court’s efforts to streamline trial, but Google cannot stipulate to trying claim 1 of the ’885 patent as a representative claim because it has a distinct non-infringement defense for the ’966 patent that it does not have for the ’885 patent. Specifically, Google’s accused products do not meet the following limitation as required by the claims of the ’966 patent:

based on the first request, i) causing creation of the first one scene, ii) causing an indication of the first zone scene to be transmitted to the first zone player, and iii) causing storage of the first zone scene

Dkt. 1-5 at 39-40. Google’s accused products do not store the information required by claims, as that the accused information is merely transmitted temporarily to the speakers.

However, in an effort to streamline this case for trial in an alternative manner, Google is amenable to treating claim 1 of the ’966 patent as representative of the dependent claims of the ’966 patent (2, 4, 6 and 8). Thus, the only claims to be tried will be claim 1 of the ’885 patent (invalidity, infringement with respect to the redesign, and damages) and claim 1 of the ’966 patent (invalidity, infringement for both the original and redesigned products, willfulness, and damages).

¹ See Dkt. 615 at 8.

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2 DATED: May 1, 2023

Respectfully submitted,

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17 **CERTIFICATE OF SERVICE**

18 The undersigned certifies that on May 1, 2023, all counsel of record who are deemed to have
19 consented to electronic service are being served with a copy of this document through the Court's
20 CM/ECF system.

21
22 DATED: May 1, 2023

23 /s/ Sean Pak

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